

Remarks

Claims 1-50 are pending in the application. Claims 4-6, 9, 10, 21-38 and 43 have been withdrawn from consideration pursuant to a restriction requirement by the Examiner. Claims 1-3, 7, 8, 11-20, 39-42 and 44-50 stand rejected. Favorable reconsideration is respectfully requested.

Claims 1-3, 7-8, 11-20, 39-42 and 44-50 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,256,518. This rejection is respectfully traversed. The Applicant notes that the scope of claims 1-3, 7-8, 11-20, 39-42 and 44-50 may change during prosecution, and that no indication of allowable subject matter has yet been offered by the Examiner. The Applicant therefore submits that a terminal disclaimer will be filed to overcome the obviousness-type double patenting rejection(s), if warranted, when the Examiner indicates that, but for any obviousness-type double patenting rejections, the application is in condition for allowance.

Claims 1-3, 7-8, 11-20, 39-42 and 44-50 were rejected under 35 USC 103(a) as being unpatentable over Tam (US 5,526,403) in view of Heo (US 5,400,388).

The Applicant respectfully submits that the cited combination does not support the asserted rejection, for at least the reason that the combination fails to teach or suggest the invention as claimed. Each of independent claims 1, 7, 14, 18, 39, 44 and 50 recites, in one form or another, a communication device that communicates through a first communication network and is supplied with a normal operating power through a second communication network. Referring to claim 1, the Examiner acknowledges that Tam is silent as to a second communication network to provide power to the communications unit.

Moreover, Heo fails to remedy deficiencies in Tam for at least the reason that Heo does not suggest first and second communication networks and supplying a normal operating power through a second communication network to a device that communicates through the first communication network. Heo only discloses a wireline telephone circuit, with a radio telephone "branched with a wire telephone." The radio telephone has a power source Vcc1 independent of the wireline circuit. If power source Vcc1 is lost during a call on the radio telephone, then the call may be continued

"through the wire telephone branched with the radio telephone by hooking off the wire telephone" (col. 4, lines 9-11). Contrary to the Examiner's allegation, it is not stated in Heo that the radio telephone receives power through the wireline, but only that, as noted, *the call continues through the wireline telephone*. In any event, even if the radio telephone receives power through the wireline, it is not a normal operating power as required by the present claims. Instead, it is only a power received when the radio telephone's regular power source, Vcc1, fails.

Accordingly, the Applicant respectfully submits that independent claims 1, 7, 14, 18, 39, 44 and 50 are allowable over Tam and Heo. Moreover, because the dependent claims include the recitations of one of the independent claims, the dependent claims are likewise allowable over Tam and Heo for at least the reasons discussed in connection with the independent claims. Withdrawal of the rejection of claims 1-3, 7-8, 11-20, 39-42 and 44-50 as being unpatentable over Tam and Heo is therefore respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By:


William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax:(202) 220-4201